

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDDY CHINCHILLA,

Plaintiff(s),

vs.

BELLAGIO, LLC,

Defendant(s).

Case No. 2:13-cv-1000-GMN-NJK

ORDER RE: DISCOVERY PLAN


Defendant filed a motion to dismiss on June 11, 2013. Docket No. 9. The Rule 26(f) conference was required to be held within 30 days thereafter. *See* Local Rule 26-1(d) (“Counsel for plaintiff shall initiate the scheduling of the Fed. R. Civ. P. 26(f) meeting within thirty (30) days after the first defendant answers *or otherwise appears*” (emphasis added)). The stipulated discovery plan was due 14 days after the Rule 26(f) conference. *See* Local Rule 26-1(d) (“Fourteen (14) days after the mandatory Fed. R. Civ. P. 26(f) conference, the parties shall submit a stipulated discovery plan and scheduling order”). Accordingly, the stipulated discovery plan was due no later than July 26, 2013.¹ To date, no such plan has been filed.

¹ The filing of a motion to dismiss does not automatically stay the parties’ discovery obligations. *See, e.g., Ministerio Roca Solida v. U.S. Dep’t of Fish & Wildlife*, 288 F.R.D. 500, 502 (D. Nev. 2013). In the event a stay of discovery is desired, the proper course is to file a request for such a stay discussing the applicable standards.

1 In light of the nature of the case, it is not clear to the Court whether the parties intend to conduct
2 any discovery. As such, no later than September 5, 2013, the parties are hereby ORDERED to file
3 either (1) a joint statement that no discovery will be conducted in this case or (2) a joint proposed
4 discovery plan.

5 IT IS SO ORDERED.

6 DATED: August 29, 2013

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9 NANCY J. KOPPE
United States Magistrate Judge
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